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COMMITTEE AGAINST TORTURE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION

Second periodic reports of States parties due in 1993

Addendum

GREECE*

Introduction

1. The detailed initial report submitted by Greece in August 1990 included legislative measures taken for the suppression of actions of torture and the severe punishment of persons guilty of these actions.

2. It also referred to provisions of Greek law fully securing individual liberties and human rights, as they are defined in and protected by the Constitution and the international conventions and declarations, which Greece has incorporated into its domestic law.

3. The Greek legislation on torture was also extensively analysed by the Greek delegation when presenting the Greek report before the Committee against Torture (Geneva, 15 November 1990). It should also be noted that not only had the Committee considered it satisfactory, but some of its members also considered it to be one of the most advanced legislations in Europe.

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* The initial report submitted by the Government of Greece is contained in document CAT/C/7/Add.8; for its consideration by the Committee, see documents CAT/C/SR.63 and 64 and Official Records of the General Assembly, Forty-sixth session, Supplement No. 46 (A/46/46, paras. 129-153).

4. However, this fact has not prevented at times accusations of physical injuries, ill-treatment and other actions constituting offences against human dignity, allegedly committed against citizens during their arrest, interrogation or detention.

5. These accusations, mostly against police officers and to a lesser degree against prison personnel, initiated the adoption of additional measures aiming: (a) at preventing these actions by reinforcing the training of police officers as to the absolute prohibition and condemnation of these acts and (b) at investigating, immediately and in depth, cases reported with a view to punishing the guilty.

I. INFORMATION RELATED TO NEW MEASURES AND DEVELOPMENTS CONCERNING THE APPLICATION OF THE CONVENTION

A. Measures taken in accordance with the provisions of articles 2.1, 10 and 11 of the Convention

6. In accordance with paragraph 5a, new measures were taken between 1990-1993 for improving the training of as well as informing police personnel.

7. However, it should be noted that similar measures had already been taken since 1986, which were inadvertently not mentioned in the initial report of Greece of August 1990. The most important of those are:

(a) The introduction of a Code of Conduct for Police Officers in accordance with United Nations General Assembly resolution 34/169. This Code was forwarded to all police departments and police stations of the country;

(b) Presidential Decree No. 96/86 enacted the Disciplinary Law concerning police officers, aiming specifically at bringing remedy to their possible improper actions or behaviour towards citizens (art. 3, paras. 3, 21, 30, 32 and 37; art. 4, paras. 1, 10 and 16);

(c) The provisions related to detention, interrogation and treatment of persons under arrest were included in all training programmes of the police academies;

(d) Regular educational seminars organized in police departments focused on provisions concerning human rights.

8. These measures were supplemented in 1990-1993 with the following ones:

(a) Presidential Decree No. 141/91 defined in detail and with precision the organization and operation of prisons, the duties of police officers and the proper behaviour towards prisoners. It also defined the individual equipment of the guards, while a special regulatory provision defined in detail the way and procedure of transfer of prisoners (art. 60, para. 2, para. 3, items d, h, k; art. 67, paras. 1, 4, items d, s and t);

(b) Circular 7011/10/27a/29.11.91 of the Ministry of Public Order gave all police departments instructions and clarifications concerning proper behaviour towards citizens and, in particular, their way of proceeding when taking measures binding or restricting freedom.

B. Measures taken in accordance with article 12 of the Convention

9. All accusations made against police officers or prison personnel for actions of torture, ill-treatment or abuse of power have been examined in depth by the competent judicial authorities in accordance with article 12 of the Convention. In parallel and regardless of the penal procedure, disciplinary action has been initiated against perpetrators.

10. The Ministries of Justice and of Public Order have investigated accusations concerning torture, ill-treatment, etc. as reported by Amnesty International.

11. As far as the Ministry of Justice is concerned, the accusations included in the report of Amnesty International dated June 1992 were judicially investigated and found inaccurate, as shown in documents EP 586/24.6.92, EP 589/26.2.92 and 13817/29.4.93 of the Ministry of Justice to the Ministry of Foreign Affairs, as well as the documents of the Offices of the Public Prosecutor of: the Supreme Court No. 468/31.3.93, the Court of Appeals of Patras No. 870/1.2.93, the First Instance Court of Patras No. 3671/6.7.92, the Court of Appeals of Larissa No. 372/1.2.93, the First Instance Court of Larissa No. 925/3.7.92 and the First Instance Court of Pireaus No. 1498/1.2.93.

12. The Public Prosecutor of the Supreme Court ordered that all the cases included in the document of Amnesty International No. T.G.FUR 25/92/32/16.12.93 for which no special investigation had been carried out should be investigated.

13. The competent judicial authorities also investigated all accusations against police officers for actions of torture, ill-treatment, abuse of power, etc. In addition, a relevant administrative investigation was ordered by the Ministry of Public Order. A relevant file of cases with which the police dealt, classified by category (i.e. closed or pending) has been forwarded with the present document.

14. At the same time the Ministry of Justice, by document forwarded to the Public Prosecutors Office for initiating criminal pursuits, requested to be informed on the number of criminal actions filed from 30 September 1990 to 30 September 1993 concerning actions constituting torture in the sense of paragraph 1 of the Convention and articles 137 A, 137 B, 137 C and 137 D of the Criminal Code, i.e. torture and other offences against human dignity. The investigation proved that during this period the following criminal actions were filed:

(a) By the Public Prosecutor of the Misdemeanours Court of Kilkis, Aegion, Ilia, Volos and Alexandroupolis, which are now at the phase of interrogation;

(b) By the Public Prosecutor of the Misdemeanours Court of Pireaus which on 6 September 1993 was filed under "unknown perpetrators";

(c) By the Public Prosecutor of the Misdemeanours Court of Thiva, for which the dismissing order No. 23/1992 was issued;

(d) The Public Prosecutor of the Misdemeanours Court of Athens filed nine criminal actions, two of which are still pending at the office of the Misdemeanours Court of Athens for study, two of which were dismissed, while the remaining five are set for hearing at various future dates.

15. Similar investigations were also carried out by the Ministry of National Defence which proved that no case of torture, inhuman or degrading treatment, etc. was reported in military prisons from 9 September 1990 to 30 September 1993.

II. ADDITIONAL INFORMATION REQUESTED BY THE COMMITTEE

16. During the examination of the previous report of Greece in Geneva (15 November 1990), the Greek delegation was asked to provide additional information concerning conditions prevailing in prisons, the legal status of the detainees and statistical data concerning alleged cases of torture being investigated by the judicial authorities.

17. These additional data are included in the file, forwarded with the present document and include:

(a) Law 1851/1989 "Code of basic rules for the treatment of prisoners", as amended;

(b) Articles 53-69 of Law 125/1967;

(c) Document dated 10 March 1993 of the General Directorate of Penitentiary Policy of the Ministry of Justice concerning:

(i) The present state of prisons in Greece;

(ii) The work of prisoners;

(iii) Penitentiary personnel; and

(iv) The penitentiary system.

List of Annexes*

1. Code of Conduct of Police Officers (arts. 2, 3, 5, 6 and 8).

2. Presidential Decree No. 96/86 (art. 3, paras. 3, 21, 30, 32 and 37 and art. 4, paras. 1, 10 and 16).

3. Presidential Decree No. 141/91 (art. 60, paras. 2, 3, case d, h and k and arts. 67, paras. 1, 4 case d, s and t).

4. Circular No. 7011/10/27a/29.11.91 of the Ministry of Public Order (arts. 13 and 14).

5. File of the Ministry of Justice concerning accusations by Amnesty International of violations of human rights allegedly committed against prisoners.

6. File of the Ministry of Public Order concerning the cases of torture, ill-treatment etc. allegedly committed by police officers.

7. Document No. 900/167134/17.9.93 of the Ministry of National Defence.

8. Additional information requested by the Committee.

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* These documents, as received in English from the Government of Greece, are available for consultation in the files of the United Nations Centre for Human Rights.